

SENATE BILL NO. 103

BY SENATOR DUPLESSIS

1 AN ACT

2 To enact R.S. 33:9091.15, a bill relative to Orleans Parish; to create the Oak Island
3 Neighborhood Improvement District; to provide for district boundaries, purpose,
4 governance, and funding, including the levy of a parcel fee; to provide relative to the
5 powers and duties of the district and its governing board; and to provide for related
6 matters.

7 Notice of intention to introduce this Act has been published.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:9091.15 is hereby enacted to read as follows:

10 **§9091.15. Oak Island Neighborhood Improvement District**

11 **A. Creation. There is hereby created within the parish of Orleans, as**
12 **more specifically provided in Subsection B of this Section, a body politic and**
13 **corporate which shall be known as the Oak Island Neighborhood Improvement**
14 **District, referred to in this Section as the "district." The district shall be a**
15 **political subdivision of the state as defined in the Constitution of Louisiana.**

16 **B. Boundaries. The boundaries of the district shall be that area within**
17 **and including the following perimeter streets and avenues: Michoud Blvd., from**
18 **Adventure Dr. to Expedition Dr. (both sides), to Explorer Ave., to Voyageur Dr.**
19 **and Voyageur Ct. (both sides), to Horizon Dr. (both sides) to Pierre Ct. (both**
20 **sides). Also Michoud Blvd; to W. Cavelier Dr. (both sides), to Trapper Ct. (both**
21 **sides), to St. Marie Ct. (both sides) and N. Cavelier Dr. (both sides).**

22 **C. Purpose. The district is established for the purpose of promoting and**
23 **encouraging security in the area included within the district and promoting and**
24 **encouraging the beautification and overall betterment of the district.**

1 D. Governance. (1) The district shall be governed by a six-member board
2 of commissioners, referred to in this Section as the "commission," which shall
3 be appointed by the board of directors of the Oak Island Neighborhood
4 Association. These appointed commissioners shall not be members of the Oak
5 Island Neighborhood Association board of directors.

6 (2) All commissioners shall be residents of the district.

7 (3)(a) Commissioners shall serve two-year terms.

8 (b) Any vacancy which occurs prior to the expiration of the terms for a
9 commissioner shall be filled for the remainder of the unexpired term in the
10 same manner as the original appointment. Commissioners shall be eligible for
11 reappointment.

12 (4) The commission shall elect from its members a chairman, a vice
13 chairman, a secretary-treasurer, and such other officers as it may deem
14 necessary. The duties of the officers shall be fixed by the bylaws adopted by the
15 board.

16 (5) The minute books and archives of the district shall be maintained by
17 the secretary-treasurer of the commission. The monies, funds, and accounts of
18 the district shall be in the official custody of the commission.

19 (6) The commission shall adopt such rules, regulations, and bylaws as it
20 deems necessary or advisable for conducting its business affairs. Rules and
21 regulations of the commission relative to the notice and conduct of meetings
22 shall conform to applicable law, including R.S. 42:4.1 et seq., relative to open
23 meetings. The commission shall hold regular meetings as shall be provided for
24 in the bylaws and may hold special meetings at such times and places within the
25 district as may be prescribed in the bylaws.

26 (7) A majority of the members of the commission shall constitute a
27 quorum for the transaction of business. The commission shall keep minutes of
28 all meetings and shall make them available through the secretary-treasurer of
29 the commission.

30 (8) Each member of the commission shall have one vote, and the vote of

1 a majority of the members of the commission present and voting, a quorum
2 being present, shall be required to decide any question upon which the
3 commission takes action.

4 (9) The members of the commission shall serve without compensation
5 but shall be reimbursed for their reasonable out-of-pocket expenses directly
6 related to the governance of the district.

7 E. Powers and Duties. The district, acting through its commission, shall
8 have the following powers and duties:

9 (1) To sue and be sued.

10 (2) To adopt, use, and alter at will a corporate seal.

11 (3) To receive and expend funds collected pursuant to Subsection F of
12 this Section and in accordance with a budget adopted as provided by Subsection
13 H of this Section.

14 (4) To enter into contracts with individuals or entities, private or public.

15 (5) To provide or enhance security patrols in the district, to provide for
16 improved lighting, signage, or matters relating to the security of the district, to
17 provide for the beautification of and improvements for the district, or to
18 provide generally for the overall betterment of the district.

19 (6) To enter into contracts and agreements with one or more other
20 districts for the joint security, improvement, or betterment of all participating
21 districts.

22 (7) To provide for such services and make such expenditures as the
23 board deems proper for the upkeep of the district.

24 (8) To acquire or lease items and supplies which the board deems
25 instrumental to achieving the purposes of the district.

26 (9) To acquire, lease, insure, and sell real property within the boundaries
27 of the district in accordance with district plans.

28 (10) To procure and maintain liability insurance against any personal or
29 legal liability of a commissioner that may be asserted or incurred based upon
30 his service as a member of the commission or that may arise as a result of his

1 actions taken within the scope and discharge of his duties as a member of the
2 commission.

3 (11) To perform or have performed any other function or activity
4 necessary or appropriate to carry out the purposes of the district or for the
5 overall betterment of the district.

6 F. Parcel Fee. The governing authority of the city of New Orleans is
7 hereby authorized to impose and collect a parcel fee within the district subject
8 to and in accordance with the provisions of this Subsection.

9 (1) The amount of the fee shall be as requested by duly adopted
10 resolution of the commission. The fee shall be a flat fee per improved parcel of
11 land not to exceed five hundred dollars per year for each improved parcel for
12 calendar year 2009; however, the maximum may be increased by twenty-five
13 dollars per year for each calendar year after 2009.

14 (2) The fee shall be imposed on each improved parcel located within the
15 district except as provided in Paragraph (4) of this Subsection.

16 (a) For purposes of this Section, "parcel" means a lot, a subdivided
17 portion of ground, an individual tract, or a "condominium parcel" as defined
18 in R.S. 9:1121.103.

19 (b) The owner of each parcel shall be responsible for payment of the fee.

20 (3)(a) The fee shall be imposed only after the question of its imposition
21 has been approved by a majority of the registered voters of the district who vote
22 on the proposition at an election held for that purpose in accordance with the
23 Louisiana Election Code. The amount of the fee may be changed by duly
24 adopted resolution of the commission, not to exceed the maximum amount
25 authorized as provided in this Subsection. No other election shall be required
26 except as provided by this Paragraph.

27 (b) The initial election on the question of the imposition of the fee shall
28 be held at the same time as a regularly scheduled election in the city of New
29 Orleans.

30 (c) If approved, the fee shall expire on December 31, 2014, but the fee

1 may be renewed if approved by a majority of the registered voters of the district
2 voting on the proposition at an election as provided in Subparagraph (a) of this
3 Paragraph. Any election to authorize the renewal of the fee shall be held only
4 at the same time as the mayoral primary election for the city of New Orleans.
5 If the fee is renewed, the term of the imposition of the fee shall be as provided
6 in the proposition authorizing such renewal, not to exceed eight years.

7 (4) No fee shall be imposed upon any parcel whose owner qualified for
8 the special assessment level provided by Article VII, Section 18(G)(1) of the
9 Constitution of Louisiana.

10 (5) The fee shall be collected at the same time and in the same manner
11 as ad valorem taxes on property subject to taxation by the city are collected.

12 (6) Any parcel fee which is unpaid shall be added to the tax rolls of the
13 city and shall be enforced with the same authority and subject to the same
14 penalties and procedures as unpaid ad valorem taxes.

15 (7)(a) The proceeds of the fee shall be used solely and exclusively for the
16 purpose and benefit of the district; however, the city may retain one percent of
17 the amount collected as a collection fee.

18 (b) The city of New Orleans shall remit to the district all amounts
19 collected not more than sixty days after collection.

20 G. Additional Contributions. The district is authorized to solicit and
21 accept additional voluntary contributions and grants to further the purposes of
22 the district.

23 H. Budget. (1) The commission shall adopt an annual budget in
24 accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et
25 seq.

26 (2) The district shall be subject to audit by the legislative auditor
27 pursuant to R.S. 24:513.

28 I. Miscellaneous. It is the purpose and intent of this Section that any
29 additional security patrols, public or private, or any other security or other
30 services or betterments provided by the district shall be supplemental to and not

1 be in lieu of personnel and services to be provided in the district by the state or
2 the city of New Orleans or their departments or agencies or by other political
3 subdivisions.

4 J. Dissolution. (1) The district may be dissolved without the vote of the
5 registered voters of the district if a majority of the area covered by the district
6 becomes included in another district that serves similar purposes but includes
7 additional parcels of property adjacent to the district, if approved by the
8 affirmative vote of not less than five members of the commission. If the district
9 is dissolved in accordance with this Paragraph, the funds of the district that
10 relate to the portion of the district that is included in the new district, together
11 with any other funds collected by the city of New Orleans pursuant to this
12 Section that relate to such portion of the district, shall be transferred to the new
13 district to be used for purposes of the new district. The remaining portion of
14 funds, if any, shall be transmitted by the commission to the city of New Orleans
15 and such funds shall be used only for law enforcement, security, improvement,
16 and beautification purposes of the area that was formerly within the district but
17 is not included in the new district.

18 (2) If the district is dissolved pursuant to Paragraph (1) of this
19 Subsection, the authority for the imposition of the parcel fee provided in
20 Subsection F of this Section shall cease.

21 K. Indemnification and Exculpation. (1) The district shall indemnify its
22 officers and commissioners to the fullest extent permitted by R.S. 12:227, as
23 fully as if the district were a nonprofit corporation governed thereby, and as
24 may be provided in the district's bylaws.

25 (2) No commissioner or officer of the district shall be liable to the district
26 or to any individual who resides, owns property, visits, or otherwise conducts
27 business in the district for monetary damages for breach of his duties as a
28 commissioner or officer, provided that the foregoing provision shall not
29 eliminate or limit the liability of a commissioner or officer for any of the
30 following:

- 1 (a) Acts or omissions not in good faith or which involve intentional
2 misconduct or a knowing violation of law.
- 3 (b) Any transaction from which he derived an improper personal benefit.
- 4 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
5 9:2792.1 through 2792.9, a person serving the district as a commissioner or
6 officer shall not be individually liable for any act or omission arising out of the
7 performance of his duties.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____